

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MATILDA BELOVIC, by her next friend,  
SUELLEN TOZZI; GENEVIEVE C.;  
MADELAINE ANDREWS; MARY B.; and  
MAUREEN CURRAN, by her next friend,  
SARAH T. GILLMAN, individually, and on  
behalf of all others similarly situated,

**Affidavit of Service**

Plaintiffs,

07 Civ. 02876

-against-

ROBERT DOAR, as Commissioner of the  
New York City Human Resources  
Administration; GLADYS CARRION, as  
Commissioner of the New York State Office  
of Children & Family Services; DAVID  
HANSELL, as Acting Commissioner of the  
New York State Office of Temporary &  
Disability Assistance; and RICHARD F.  
DAINES, as Acting Commissioner of the New  
York State Department of Health,

Defendants.

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## AFFIDAVIT OF SERVICE

STATE OF NEW YORK

SOUTHERN COUNTY

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 07 CV 2876 AND FILED ON

ATTORNEY(S): New York Legal Assistance Group, Caroline Hickey

Matilda Belovic, by her next friend, Suellen Tozzi; Genevieve C.; Madelaine Andrews; Et Al

Plaintiff(s)  
Petitioners

vs

Robert Doar, as Commissioner of the New York City Human Resources Administration; et al

Defendant(s)  
Respondent(s)

STATE OF NEW YORK: COUNTY OF ALBANY, SS.:

John Longton, being duly sworn deposes and says deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. That on April 16, 2007 at 11:18am at NYS Department of Health, Empire State Plaza, Corning Tower, Albany NY 12242 deponent served the within Order to Show Cause with Summons and Complaint on: Richard Daines, Acting Commissioner, Defendant (herein called recipient) therein named.

## INDIVIDUAL

A ☐

By personally delivering to and leaving with said \_\_\_\_\_ a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said Order to Show Cause with Summons and Complaint

## CORPORATION

B ☒

By delivering to and leaving with Harold J. Rosenthal at NYS Department of Health, Empire State Plaza, Corning Tower, Albany NY 12242 and that deponent knew the person so served to be the Authorized to Accept of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

SUITABLE  
AGE PERSONC ☐

By delivering a true copy thereof to and leaving with \_\_\_\_\_ a person of suitable age and discretion at \_\_\_\_\_ the said premises being the defendants/respondents [ ] dwelling place (usual place of abode) [ ] actual place of business within the State of New York.

AFFIXING  
TO DOORD ☐

By affixing a true copy thereof to the door of said premises, the same being the defendant's [ ] dwelling house (usual place of abode) [ ] actual place of business within the State of New York.

MAILING TO  
RESIDENCE  
(use with C or D)E1 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's residence at \_\_\_\_\_ and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within New York State on \_\_\_\_\_

MAILING TO  
BUSINESS  
(use with C or D)E2 ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business at \_\_\_\_\_ in an official depository under the exclusive care and custody of the United States Post Office within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant and mailed on \_\_\_\_\_

PREVIOUS  
ATTEMPTS  
(use with D)F ☐

Deponent had previously attempted to serve the above named defendant/ respondent

|           |            |            |
|-----------|------------|------------|
| Day _____ | Date _____ | Time _____ |
| Day _____ | Date _____ | Time _____ |
| Day _____ | Date _____ | Time _____ |

Deponent spoke with \_\_\_\_\_ who stated to deponent that the said defendant(s) lived at the aforementioned address, but did not know defendant's place of employment.

G ☒

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

VOID WITHOUT  
DESCRIPTION  
(Use with A, B, C & D)

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Approximate age 45 Approximate weight 160 Approximate height 5'9 Sex Male  
Color of skin White Color of hair Orange Other \_\_\_\_\_

MILITARY  
SERVICE

Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

NON-  
SERVICEH ☐

After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due to the following: [ ] Not known at address [ ] Address does not exist [ ] Evading [ ] Moved left no forwarding [ ] Other \_\_\_\_\_

## WIT. FEES

☐

\$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 16th day of April 2007

Deborah A Bottisti (Berlani)

DEBORAH A BOTTISTI

NOTARY PUBLIC, State of New York

No 01BO6036756, Qualified in Albany County

Commission Expires February 7, 2010

John Longton  
Attny's File No.

Invoice/Work Order # 0611048